

REMARKS

Claims 1-40 are pending in this application. For purposes of expedition, claims 1, 3, 6-8, 10, 15, 17, 20-22, 24, 29, 31, 34 and 40 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application. Base claims 9 and 30 have not been amended herein.

Claims 7, 20, 21 and 22 have been rejected under 35 U.S.C. §112, 2d ¶, as being indefinite relative to the use of a trademark name "WINDOWS". In response thereto, claims 7, 20, 21 and 22 have been amended to overcome the rejection.

Claims 1-40 have been rejected under 35 U.S.C. §102(e) as being anticipated by Deutsch et al., U.S. Patent No. 6,631,403 B1 for reasons stated on pages 3-6 of the Office Action. The rejection is respectfully traversed, however. Applicants submit that key features of Applicants' base claims 1, 9, 15, 23, 29, 30 and 31 are not disclosed or suggested by Deutsch '403. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

Base claim 1 defines an apparatus for synchronizing interactive contents (also see corresponding method and Beauregard claims 15 and 29), comprising:

a synchronized multimedia element determining unit, which parses and interprets interactive contents including multimedia elements, determines whether multimedia elements included in the interactive contents are synchronized with audio visual (AV) contents; and

an application program interface (API) transmitting unit, which transmits an API corresponding to an interactive control command input from a user to an AV contents reproducing engine that reproduces the AV contents and a synchronized multimedia element reproducing engine that reproduces the multimedia elements that are determined to be synchronized with the AV contents by the synchronized multimedia element determining unit.

Alternatively, base claim 9 defines an apparatus for synchronizing and reproducing interactive contents (also see corresponding method and Beauregard claims 23 and 30), comprising:

an interactive contents synchronizing unit which determines whether multimedia elements included in the interactive contents are synchronized with audio visual (AV) contents and transmits an application program interface (API) corresponding to an interactive control command;

an AV contents reproducing engine which receives the API transmitted from the interactive contents synchronizing unit and reproduces the AV contents according to the received API; and

a synchronized multimedia element reproducing engine which receives the API transmitted from the interactive contents synchronizing unit and reproduces the multimedia elements that are determined by the interactive contents synchronizing unit to be synchronized with the AV contents.

As described in paragraph [0002] of Applicants' specification, Internet-based markup languages, such as HTML, and conventional browsers are only able to reproduce specific audio visual (AV) contents, such as DVD contents, and a variety of multimedia elements, such as, for example, audio files, animation files and video streaming files within a markup document. However, there is **no** known efficient technique to reproduce specific multimedia elements included in interactive contents (i.e., contents that allow users to control DVD images in an interactive manner) that are in synchronization with AV contents.

Applicants' invention as defined in base claims 1, 9, 15, 23, 29, 30 and 31 advantageously provide an apparatus and method of synchronizing and reproducing interactive contents and various multimedia elements effectively. This is done by parsing and interpreting interactive contents including multimedia elements, determining whether multimedia elements included in the interactive contents are synchronized with audio visual (AV) contents, and transmitting an API corresponding to an interactive control command input from a user to an AV contents reproducing engine that reproduces the AV contents and a synchronized multimedia element reproducing engine that reproduces the multimedia elements that are determined to be synchronized with the AV contents by the synchronized multimedia element determining unit.

In contrast to Applicants' base claims 1, 9, 15, 23, 29, 30 and 31, Deutsch '403 discloses an MPEG-4 browser, as shown in FIG. 1, or presentation engine 100, as shown in FIG. 2, designed to allow enhanced functionality and user interactivity of MPEG-4 content. MPEG-4 (Motion Picture Experts Group #4), as is well known in data transmission and compression systems, provides a standardized bitstream syntax and decoding semantics for coded multimedia (audio-video information). The MPEG-4 browser or presentation engine 100 is provided with, among other elements, a demultiplexer layer 110 to demultiplex enclosed audio-video (AV) stream; one or more decoders 150 to decode input AV data to generate one or more

objects; and a composition/renderer 180 to compose the input audio and video objects into a scene in response to a user input and output such a rendered scene to a downstream processing subsystem, such as a display subsystem to display the rendered scene. As a result, a multimedia scene based on a plurality of data streams, including AV data and data defining control programs that are associated with the multimedia objects.

However, there is no disclosure anywhere from Deutsch '403 nor is there any teaching or suggestion of Applicants' technique to reproduce specific multimedia elements included in interactive contents (i.e., contents that allow users to control DVD images in an interactive manner) that are in synchronization with AV contents, as generally defined in base claims 1, 9, 15, 23, 29, 30 and 31.

Nevertheless, in support of the rejection of Applicants' base claims 1, 9, 15, 23, 29, 30 and 31, the Examiner cites col. 6, lines 1-67; col. 7, lines 1-67; col. 8, lines 1-67; col. 9, lines 1-67; col. 10, lines 1-67; col. 11, lines 1-67; col. 12, lines 1-67; col. 13, lines 1-67; col. 14, lines 1-67; col. 15, lines 1-67; col. 16, lines 1-67; col. 17, lines 1-67; col. 18, lines 1-67 and col. 19, lines 1-67 of Deutsch '403 for allegedly disclosing Applicants' claimed "synchronized multimedia element determining unit ...". The Examiner then cites the same portions of Deutsch '403 for allegedly disclosing Applicants' claimed "an application program interface transmitting unit ...". In fact, the Examiner cites the same portions of Deutsch '403 for allegedly disclosing all Applicants' claimed features as expressly defined in each of Applicants' claims 1-40.

Unfortunately, these cited portions of Deutsch '403 represent the entire text of the '403 patent. More importantly, the Examiner's assertions are not only factually incorrect, but are also not helpful.

First, in rejecting Applicants' claims under any statutory authority, the Examiner bears the initial burden of establishing a *prima facie* case of anticipation. Only if this burden is met does the burden of coming forward with rebuttal argument or evidence shift to the Applicants. Ex parte Levy, 17 USPQ2d 1461, 1462 (1990) expressly states:

"it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference."

In addition, 37 CFR §1.106(b) requires the Examiner, when rejecting claims for want of novelty, must cite the best references at his command. When a reference is complex or shows

or describes inventions other than that claimed by the Applicants, the particular part relied upon must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Moreover, in order to anticipate Applicants' claims 1-40 under 35 U.S.C. §102, the Examiner must demonstrate that a single prior art reference discloses each and every feature of the claimed invention, either explicitly or inherently. See Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 34 USPQ2d 1565, 1567 (Fed. Cir. 1995). The absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ2d 81 (Fed. Cir. 1986). The burden of establishing a basis for denying patentability of a claimed invention rests upon the Examiner. The limitations required by the claims cannot be ignored. See In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). All claim limitations, including those which are functional, must be considered. See In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Hence, all words in a claim must be considered in deciding the patentability of that claim against the prior art. Each word in a claim must be given its proper meaning, as construed by a person skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

In the present situation, the Examiner has not explained how Deutsch '403 teaches each and every elements as defined in Applicants' claims 1-40, and has therefore failed to meet his initial burden of production. In view of this omission alone, the rejection should be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505 ext. 232.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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